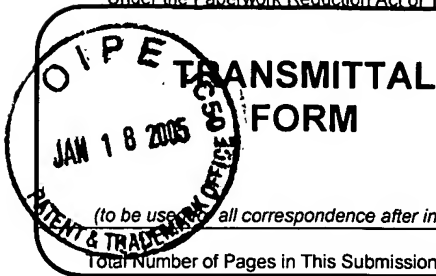


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|-----------------|
| Application Number | 10/509,533 |
| Filing Date | March 25, 2003 |
| First Named Inventor | David J. Waxman |
| Art Unit | To be assigned |
| Examiner Name | To be assigned |
| Attorney Docket Number | 701586-52522 |

ENCLOSURES (Check all that apply)

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Mailing; Copy of Limited Recognition; International Search Report; Supp. IDS; Refs.: A1-2, C1-46 and Return Receipt Postcard |
| <p>Remarks</p> <p>The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to the Nixon Peabody LLP Deposit Account No. 50-0850.</p> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|-----------------------|
| Firm Name | Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110-2131 | | |
| Signature | | | |
| Printed name | Ronald I. Eisenstein/Leena H. Karttunen | | |
| Date | 1/13/2005 | Reg. No. | 30,628/37 CFR 10.9(b) |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|-----------------|------|------------------|
| Signature | | | |
| Typed or printed name | Debra J. Kellom | Date | January 13, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



DT1500000 PCT/PTO 18 JAN 2005

Practitioner's Docket No. 701586-52522

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Waxman et al.

Application No.: 10/509,533 Group No.: To be assigned
Filed: 03/25/2003 (IA Date) Examiner: To be assigned
For: METHOD OF USING ANTI-APOPTOTIC FACTORS IN GENE
EXPRESSION

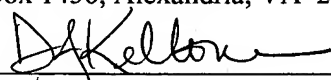
MAIL STOP AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is, on the date shown below, being: deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: January 13, 2005


Debra J. Kellom

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith submit the publications and/or patents shown on the attached form PTO/SB/08b, for consideration by the Examiner in connection with the examination of the above-identified patent application.

I. REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X (1) within three (3) months of the Filing Date or before the mailing date of the First Office Action on the merits; or
- (2) within three months of the mailing date of the PCT International Search Report; or
- (3) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and the requisite Certification or fee under Rule 1.17(p), namely \$180.00, is included herein; or

— (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

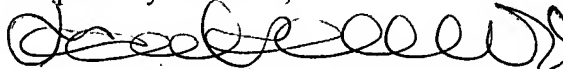
 X are enclosed herewith; and
— have been cited in the parent application, and are thus not being resubmitted herein.

Early examination and allowance of the present application are respectfully solicited.

FEE AUTHORIZATION

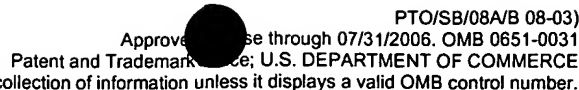
Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



Ronald I. Eisenstein (Reg. 30,628)
Leena H. Karttunen (37 C.F.R. §10.9(b))
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
(617) 345-6057

Date: January 13, 2005



Substitute for form 1449 PTO

(use as many sheets as necessary)

| | | | |
|-------|---|----|---|
| Sheet | 1 | of | 5 |
|-------|---|----|---|

Complete if Known

| | |
|-------------------------------|---------------------------------|
| Application Number | 10/509,533 |
| Filing Date | March 25, 2003 (IA Date) |
| First Named Inventor | Waxman, et al |
| Art Unit | To be assigned |
| Examiner Name | To be assigned |
| Attorney Docket Number | 701586-52522 |

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

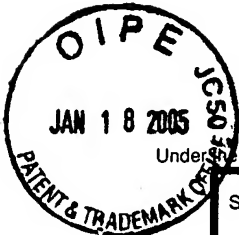
[illegible]

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/08A/B 08-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449 PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet **2** of **5**

Complete if Known

| | |
|------------------------|--------------------------|
| Application Number | 10/509,533 |
| Filing Date | March 25, 2003 (IA Date) |
| First Named Inventor | Waxman, et al |
| Art Unit | To be assigned |
| Examiner Name | To be assigned |
| Attorney Docket Number | 701586-52522 |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ² |
|--------------------|-----------------------|--|----------------|
| | C2 | Ashkenazi et al., J Clin Invest. 104:155-162 (1999) | |
| | C3 | Beltinger, C., et al., Proc Natl Acad Sci U.S.A. 96:8699-8704 (1999) | |
| | C4 | Blattner et al., Mol Cell Biol. 19:3704-3713 (1999) | |
| | C5 | Chen, L., et al., Hum Gene Ther. 6:1467-1476 (1995) | |
| | C6 | Chen, L. and Waxman, D. J., Cancer Research 55:581-589 (1995) | |
| | C7 | Chen, L. and Waxman, Biochem Pharmacol. 47:1079-1087 (1994) | |
| | C8 | Ferri and Kroemer, Nat Cell Biol. 3:E255-263 (2001) | |
| | C9 | Findley et al., Blood. 89:2986-2993 (1997) | |
| | C10 | Freeman, S., et al., Cancer Res. 53:5274-5283 (1993) | |
| | C11 | Friesen et al., Nat Med. 2:574-577 (1996) | |
| | C12 | Fulda et al., Cancer Res. 58:4453-4460 (1998) | |
| | C13 | Gagandeep, S., et al., Cancer Gene Ther. 3:83-88 (1996) | |
| | C14 | Green DR Nature. 1998 Dec 17;396(6712):629-30 | |
| | C15 | Ichikawa et al., Cancer Res. 61:864-868 (2001) | |

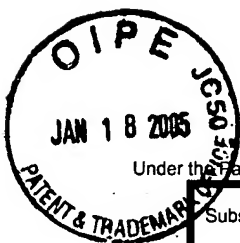
| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449 PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **3** of **5****Complete if Known**

| | |
|------------------------|--------------------------|
| Application Number | 10/509,533 |
| Filing Date | March 25, 2003 (IA Date) |
| First Named Inventor | Waxman, et al |
| Art Unit | To be assigned |
| Examiner Name | To be assigned |
| Attorney Docket Number | 701586-52522 |

| | | |
|-----|---|--|
| C16 | Kagawa <i>et al.</i> , <i>Cancer Res.</i> 60:1157-1161 (2000) | |
| C17 | Kagawa <i>et al.</i> , <i>Cancer Res.</i> 61:3330-3338 (2001) | |
| C18 | Klasa <i>et al.</i> , <i>Clin Cancer Res.</i> 6:2492-2500 (2000) | |
| C19 | Lissy <i>et al.</i> , <i>Nature.</i> 407:642-645 (2000) | |
| C20 | Marcelli <i>et al.</i> , <i>Cancer Res.</i> 59:382-390 (1999) | |
| C21 | Meek, <i>Oncogene.</i> 18:7666-7675 (1999) | |
| C22 | Mesri <i>et al.</i> , <i>J Clin Invest.</i> 108:981-990 (2001) | |
| C23 | Micheau <i>et al.</i> , <i>J Biol Chem.</i> 274:7987-7992 (1999) | |
| C24 | Mow <i>et al.</i> , <i>Curr Opin Oncol.</i> 13:453-462 (2001) | |
| C25 | Muller <i>et al.</i> , <i>J Clin Invest.</i> 99:403-413 (1997) | |
| C26 | Oltvai <i>et al.</i> , <i>Cell.</i> 74:609-619 (1993) | |
| C27 | Ozols <i>et al.</i> , <i>Biochem Pharmacol.</i> 36:147-153 (1987) | |
| C28 | Perego <i>et al.</i> , <i>Cancer Res.</i> 56:556-562 (1996) | |
| C29 | Petak and Houghton, <i>Pathol Oncol Res.</i> 7:95-106 (2001) | |
| C30 | Petak <i>et al.</i> , <i>Cancer Res.</i> 60:2643-2650 (2000) | |
| C31 | Piche <i>et al.</i> , <i>Cancer Res.</i> 58:2134-2140 (1998) | |

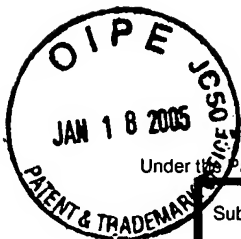
| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

| | | | | | |
|---|---|--------------------------|--------------------------|------------------------|--------------|
| Substitute for form 1449 PTO | | Complete if Known | | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 10/509,533 | | |
| | | Filing Date | March 25, 2003 (IA Date) | | |
| | | First Named Inventor | Waxman, et al | | |
| | | Art Unit | To be assigned | | |
| | | Examiner Name | To be assigned | | |
| Sheet | 4 | of | 5 | Attorney Docket Number | 701586-52522 |

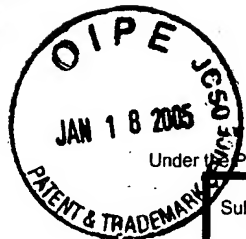
| | | | |
|--------------------|-----|--|--|
| | C32 | Pope, I. M., et al., Eur J Cancer 33:1005-1016 (1997) | |
| | C33 | Reed JC J Natl Cancer Inst. 1999 Jul 7;91(13):1099-100 | |
| | C34 | Reed et al., Cancer Res. 50:6565-6570 (1990) | |
| | C35 | Rich et al., Nature. 407:777-783 (2000) | |
| | C36 | Rieger et al., FEBS Lett. 427:124-128 (1998) | |
| | C37 | Schwartz and Waxman, Mol Pharmacol. 60:1268-1279 (2001) | |
| | C38 | Seki et al., Cancer Chemother Pharmacol. 45:199-206 (2000) | |
| | C39 | Sun et al., J Biol Chem. 274:5053-5060 (1999) | |
| | C40 | Tillman et al., Clin Cancer Res. 5:425-430 (1999) | |
| | C41 | Waters et al., J Clin Oncol. 18:1812-1823 (2000) | |
| | C42 | Waxman et al., Drug Metab Rev. 31:503-522 (1999) | |
| | C43 | Waxman, Cancer Res. 50:6449-6454 (1990) | |
| | C44 | Wei, M. X., et al., Hum. Gene Ther. 5:969-978 (1994) | |
| | C45 | Wu et al., Oncogene. 18:6411-6418 (1999) | |
| | C46 | Yamabe et al., Gene Ther. 6:1952-1959 (1999) | |
| | C47 | Ziegler et al., J Natl Cancer Inst. 89:1027-1036 (1997) | |
| Examiner Signature | | Date Considered | |

*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/08A/B 08-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

| | | | | | |
|---|---|----|---|--------------------------|--------------------------|
| Substitute for form 1449 PTO | | | | Complete if Known | |
| | | | | Application Number | 10/509,533 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | | Filing Date | March 25, 2003 (IA Date) |
| | | | | First Named Inventor | Waxman, et al |
| | | | | Art Unit | To be assigned |
| | | | | Examiner Name | To be assigned |
| | | | | Attorney Docket Number | 701586-52522 |
| Sheet | 5 | of | 5 | | |

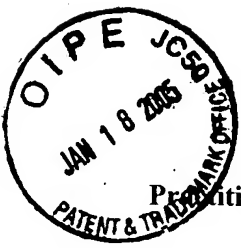
| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Applicant's Docket No. 701586-52522

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Waxman et al.

Application No.: 10/509,533 Group No.: To be assigned
Filed: 03/25/2003 (IA Date) Examiner: To be assigned
For: METHOD OF USING ANTI-APOPTOTIC FACTORS IN GENE
EXPRESSION

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)


I hereby certify that the attached correspondence comprising:

1. Certificate of Mailing (1 pg.);
2. COPY-Certificate of Limited Recognition (1 pg.);
3. Transmittal (1 pg.);
4. Supplemental Information Disclosure Statement and Form 1449 (7 pp.);
5. COPY-References C247; and
6. Return Receipt Postcard.

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on January 13, 2005.


Debra J. Kellom



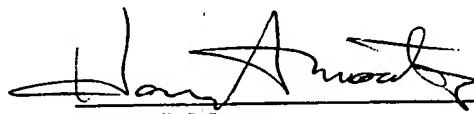
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Leena H. Karttunen is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the law firm of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Nixon Peabody LLP, and a registered practitioner, who is a member of the law firm of Nixon Peabody LLP, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with the law firm of Nixon Peabody LLP, ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: June 14, 2005



Harry I. Moatz
Director of Enrollment and Discipline